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NATIONAL POLITICS.

SPEECH

OF

HON. J. H. JEWETT, OF KENTUCKY,

DELIVERED IN THE HOUSE OF REPRESENTATIVES, JULY 25, 1856.

The House being in the Committee of the Whole on the state of the Union,

Mr. JEWETT said:

Mr. CHAIRMAN: I do not intend at this time to enter into a discussion of all the various and important political questions of a sectional character now agitating the public mind, believing as I do that many of them have been sufficiently discussed both in and out of Congress, to enable the people of the whole country to weigh, and dispassionately and impartially to judge of their merits, in so far as they may be involved in the great political struggle through which we are now passing. What I more especially design, Mr. Chairman, is, briefly to examine into the *status* of the three principal parties now seeking the confidence and support of the people, and striving with great energy and zeal for the control of the Federal Government.

In my remarks here to-day, I wish it to be understood that I am not only speaking to the representatives of the people of the United States in Congress assembled; but that I am also speaking for, and to the people of my own State and district, to whom alone I am responsible for what I may say or do here in my representative capacity, and whose interests I represent on this floor. The parties now organized, and which are deemed worthy of consideration, are the great national Democratic party, (in which I feel proud to claim membership,) the Republican or Abolition, and the Know Nothing parties.

The principles of the Democratic party are so well known, and so fully indicated in the platform announced by its late national convention, that it would be superfluous to attempt to enlighten the public mind in reference either to its principles or policy.

The self-styled Republican party have nominated for the office of President and Vice President of the United States, men of notorious hostility to southern interests and institutions, both of whom reside in the free States, and so indifferent to the feelings of the South, or so sensible of the folly of seeking its suffrage, that it does not even deign to nominate an electoral ticket throughout the southern States. Such a party, ignoring nationality by its very party tactics, and scouting all precedent as well as principle in its warfare, must, if successful, seriously jeopardize the stability of this great and glorious Union. For I am very confident that no southern man could or would desire to live under a Government in which he had practically no voice, and whose powers would be wielded for his injury and oppression. If this party, whose success rests solely upon sectional grounds, should succeed in elevating two Free-Soil, free-State, and free-negro men to the Presidency and Vice Presidency, it is reasonable to suppose that in like manner will the Government be organized, and all the high offices thereof filled with the worst enemies of the South and her institutions, in which event it would become a grave question with the South how long she would submit to such rulers. Whether this party shall succeed in carrying the northern States for their candidates is a question for the people of the North to determine for themselves: we of the South cannot control the result, and are not, therefore, responsible for it. But whether they are to be aided in their unholy crusade by dissensions and divisions in the southern States involves us in the gravest responsibility, and demands our earnest and immediate consideration and action.

These dissensions are most to be apprehended from the influence of the third party, commonly called the Know Nothing party—the party now in power in the State which I have the honor in part to represent. This, instead of being regarded as a party in the true sense in which we are accustomed to understand and use that term, should be considered rather as an organization—a sort of Government within the limits of the General and State Governments, assuming to exercise executive, legislative, and judicial authority, with power to administer oaths, and to punish its members for a violation of them; recognizing each other by signs and grips unknown to any one outside of their organization. This is the

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party with which the people of Kentucky and the whole South have to contend in the great contest now just commenced; and it is, in my judgment, the most dangerous party that has been formed in this country since the Revolution. Yet, I am free to believe that many—very many—good and patriotic men went into the organization from good and pure motives, whilst the larger portion joined it to break down the Democratic party.

Mr. Chairman, I have said that the Know Nothing, or, if you choose, the intense American party, is the most dangerous political organization which has been formed in this country since the Revolution. This I repeat; and this proposition I now propose briefly to consider. Its danger consists, in the first place, in its advocacy of principles and policy in direct conflict with the letter and spirit of the Federal, as well as the constitution of every State of this Union, so far as I have examined them—certainly in violation of the constitution of the Commonwealth of Kentucky; in establishing a form of government, and a system of elections, or nominations, (which amount to an election where they have the majority;) by swearing their members *in advance* to support whomsoever their leaders may nominate, without its being known who the candate is; by prohibiting any of their members from becoming candidates for office, either judicial, legislative, or executive, without a license first obtained from the order; by establishing a system of secret balloting in their councils, in direct conflict with the laws of Kentucky and other States who adhere with manly firmness to the practice of their fathers of *viva voce* voting; and in requiring their members to take and subscribe a solemn oath to support no man for any office in the gift of the American people who is not in favor of Protestant American-born citizens only filling every office, high or low, of every grade, character, and description, in the country. That there may be no misunderstanding in regard to the solemn obligation imposed on their members before they are admitted into their order, I will here read the oath, as administered in Kentucky:

"That you will not vote, nor give your influence for any man for any office in the gift of the people, unless he be an American born citizen, in favor of Americans ruling America, nor if he be a Roman Catholic."

For the purpose of contrasting this obligation with the Constitution of the United States, I will here read so much of the Constitution of the latter as bears upon the question:

"But no religious test shall ever be required as a qualification to any office or public trust under the United States."

Having read, for the consideration of the committee and the country, the obligation required by the members of this peculiar political organization, and the Constitution of the Union, so that it may be readily seen wherein they conflict, I proceed to remark further upon the point which I have been considering; that is, that this organization is more dangerous to the interest and rights of the South, than even the organization of the Republicans at the North. This is strong language, but not stronger than the facts of the case and the history of this organization will warrant. Of what does the South complain of the North? Do we complain of them because they do not hold slaves like ourselves? Do we complain of them because they choose to condemn the institution of slavery? If they do so on proper occasions, in a proper spirit, and in the right places—certainly not; but we do complain of them, and rightfully too, for refusing to comply with the guarantees of the Constitution of the Federal Union, in regard to our slaves. In a word, we complain of them for violating a plain provision of the Federal Constitution. In this, we of the South say, that the Constitution of the United States requires that fugitives from labor, escaping into the free States, shall, upon demand, be given up. The Republicans or Abolitionists of the North say that there is a law above the Constitution, and that that law teaches them that slavery is an evil, and that they will not observe this guarantee of the Constitution in reference to it. It is, then, because of a refusal of the majority in some of the northern States to preserve the Constitution inviolate that we of the South complain.

We complain further of the aggressive policy of the North in denying to the southern people the right to go into the territories of the Union—acquired by the common treasure and blood of the people of the whole Union—with their slave porperty: this is what we complain of. And when the whole complaint is thus made, and understood, it is nothing more nor less than a violated Constitution which is complained of by the South. And now I submit it to the judgment of this House, if this is a greater violation of the Federal Constitution than the obligation and horrid oaths taken and subscribed by the *intense* Americans? Are not the religious and political rights of a *native-born* Roman Catholic citizen as dear to him as is the right which he and others of his fellow-citizens have, to hold and enjoy their slave property under the Constitution? Are not the rights of a naturalized citizen, under the Constitution and laws of the country, as sacred as either of the rights above-mentioned? Most assuredly they are; but this is not all. If we of the South violate the Constitution in one regard, how can we demand of the people of the North to observe it in matters affecting us and our rights? If we become fanatical on the subject of religion, and of races, in so far as to violate constitutions, both State and National, how can we, as honest men, hold up the Constitution of the Union to the people of the North, and demand of them to preserve intact that sacred instrument? We of the southern States should faithfully sustain the Constitution in its purity, before we can *rightfully*, or successfully, demand of others a similar observance of our constitutional rights. It will not do to say that there is a dangerous foreign element in the country, and that the tendency of the Roman Catholic religion is anti-republican, and corrupting to the morals of our people, and that, therefore, we are justified in banding together in secret conclave, and in a manner unknown and unrecognized by the Constitution and laws of the country, virtually to disfranchise

a class of our fellow-citizens whose religious views may differ from our own; for this would be but reëstablishing that odious and long-exploded system of religious and sectarian tests which, whenever it has been practiced, has only served to disgrace and injure the cause of true piety, and to retard the prosperity of the State. It has always been the pride and boast of our Republic, that the avenue to power, to place, and to political elevation, was widely open to all of our citizens; and nothing could be further from the practice of the country, since the foundation of our free institutions, or more adverse to the spirit of its Constitution and laws, than the proscription of men from office merely on account of their religious tenets, no matter how spotless may have been their lives, what services they may have rendered the State, or what assurances of patriotism they may, through a long life, have given. Yet, because they hold certain dogmas not in accordance with our own, they are, forsooth, to be excluded from all places of honor, trust, or profit, in the administration of the Government, State and Federal! This principle of the intense American party, of excluding from public employment our Catholic and naturalized citizens, *and all others who will not consent that none but native-born Protestant American citizens, who will take their oaths, and subscribe their constitution, and learn their signs and grips, is held by the Democratic party to be a palpable violation of the spirit, if not of the letter, of the Constitution.*

I am aware, Mr. Chairman, of the argument used by the exclusive party, in defending this principle of intense Americanism. When charged with proscription, the argument is, that they proscribe no one—that they merely pledge themselves not to vote for those who will not agree with them in their peculiar notions of ruling America. Well, sir, suppose that I were to agree with them—that in strict speech or in estimation of law, that their principles, as just stated, are not proscriptive, which I do not; still it is a dangerous violation of the spirit of that clause of the Constitution which I have quoted, which declares "there shall be no religious test for any office or trust under the Constitution." And again, if it should be considered that there is no proscription in the principles of this party, dare any sane man stand up here and say that it is not as cruel and illegal a combination (and by that I mean a conspiracy) against the political and civil rights of our Catholic and naturalized citizens, and all others who oppose them, as ever animated the hearts, or nerved the arms of a body of conspirators deliberately bent on mischief?

Sir, if, by an act of the Legislature, I am shut out from the enjoyment of a constitutional right, I have a remedy; I may either take the Constitution and the illegal enactment, and lay both before my fellow-countrymen, and insist on its repeal, or I may complain to the courts, and have the unconstitutional law set aside; but if Know-Nothingism prevails, and I am surrounded by a majority of that order, I am wholly without remedy. I am not permitted to go into their councils, and demand to be heard there, for their doors are closed against me. I cannot successfully appeal to the popular voice for redress, for a majority are sworn—yes, sir, thrice sworn, not to heed, even if they would consent to hear me. So that it is wholly immaterial whether it is proscription or a conspiracy: either one is bad enough, and both violative of the spirit of the Constitution of the United States, and the constitution of the commonwealth of which I am proud to be a citizen.

But, sir, there is another clause of the Federal Constitution which it is proper to be noticed in this connection: it is that clause which locks up the office of President and Vice President of the United States to natives of American soil, and here the interdiction stops. Now, I submit, with confidence, to the intelligence of this committee, and to the unbiased judgment of my fellow-citizens everywhere, does not that man violate this clause of the Constitution who, by his vote and every act, carries this interdiction one step further than where the Constitution left it?

I will not press the constitutional view of this question any further, but will turn my attention somewhat to the effects of this organization upon the social habits of our people, and the good order and quiet of the same; its pledges to the country, if the people would but sanction it, and to the first fruits of the order.

We were promised that all political strife should be done away; that there was to be no more electioneering; that the offices were to seek the men, and not the men the offices; that order and quiet should reign supreme; and, finally, that we should have better men in office; and in the South we were promised a party sound and national on the vexed question of slavery. Have these promises been kept—these pledges redeemed; if so, when, where, and by whom? Let the elections of last year, in many places, and particularly in the city of Louisville, in my State, answer to the declaration so often made "of no more electioneering"—"no wild hunt after office."

It is a notorious fact, Mr. Chairman, that, notwithstanding the many shrieks for freedom that we hear daily and almost hourly on this floor, raised in behalf of the people of Kansas, notwithstanding the many appeals to Congress and the country to interpose in behalf of the alleged sufferers in that Territory, there has not been in the whole Territory since its organization, a tithe of the property destroyed, houses burned, or homicides committed, as was the destruction of human life and property in the city of Louisville on the 6th day of August last; and yet we have not heard a complaint raised in this Hall—not a word of rebuke for the party in power there for a failure promptly to arrest and punish the rioters of that day. And while the shriekers for freedom and liberty, and oppressed Kansas, have maintained a profound silence in regard to the riots instigated, both in Louisville, Cincinnati, and other places, by the Know Nothings, the latter party in turn maintain a like profound silence in reference to the Black Republican party. And although the Know Nothings on this floor are always ready to attack the Democratic party, the only national party in the country, I have yet to witness the first word of rebuke from the Know Nothings,

of the Republican party, since the organization of this House. These, sir, are some of the fruits of intense Americanism; but they are not all.

The elections of the past summer, in my State, were carried for the self-styled American party on the twelfth section of the Philadelphia platform; and, strange to relate, the first Legislature which assembled after the election repudiated said twelfth section, by refusing to indorse so much of the message of Governor Morehead as related to the subject of slavery, and which was a fair exposition and indorsement by the Governor of the principles of his party, as contended for by them during the canvass which resulted in placing them and him in power in the State of Kentucky.

I will read the resolutions offered and voted for by the Democratic members of the lower branch of the Legislature; as also the substitute offered and carried by the Americans, by a majority of fourteen; thirty-five Democrats voting against the substitute, and forty-nine Know Nothings voting for it.

"*Resolved by the General Assembly of the Commonwealth of Kentucky*, That in regard to the power which Congress had to pass the Missouri compromise, or to establish a geographical line, by which slavery was inhibited in the Territories north of that line, we indorse and adopt the following extract from Governor Morehead's message:

"'The Federal Government, in its original organization, conformed itself most wisely to the then condition of the people and the property it was intended to protect. Slavery then existed in most of the States. The Constitution did not pretend to make any change whatever in the relation of master and slave. The property in slaves, such as it was, preëxisted, and the Constitution recognized it without limitation, and extended to the owner its unqualified protection. It created no property, but recognized whatever was property in the States as such, and left it in the condition in which it was found. When it speaks of property, whatever was made so by any of the States was what was intended. It did not undertake to define what was or was not property.

"'The Federal Government, being one of limited powers, cannot impart to or take from anything its attribute of property. If it cannot establish slavery in a Territory, it cannot destroy it. Whatever is property in any one of the States, if carried into a Territory, cannot lose its character of property by the action of the General Government.

"'I am deeply and profoundly impressed with the conviction, that the only safety to the Union is the firm establishment of the doctrine, that the Federal Government should abstain unconditionally from all hostile action upon the subject of slavery. It is a government for the slaveholding States as well as the free, and it has no right to throw even its moral influence against the tenure of property recognized as such by any of its constituent parts. It would be a gross prostitution of its powers and a departure from the objects of its organization to do so. As a common government for all the States, it never was intended by its framers, that it should discriminate between the property of one State or one section and another. Equality is the law of its existence.'"

Mr. E. O. Brown (Know Nothing) offered the following amendment as a substitute for said resolution:

"*Resolved*, That obedience to the Constitution of the United States, and all laws passed by Congress in pursuance thereof, is sacredly obligatory upon the citizens of the States, and that the Supreme Court of the United States is the proper tribunal in the last resort to determine the constitutional enactments of Congress; and that we utterly repudiate the higher law doctrines of the North, as well as the seceding and nullifying doctrines of the South and North, as exhibited first by the South, in the attempt by South Carolina to evade the tariff laws, and more recently by Massachusetts in her effort, by State authority, to evade the fugitive slave act."

At the same session of the Legislature, Mr. Martin, a Democratic member of the Kentucky Senate, offered the following as an amendment to a resolution offered in the Senate by the Know Nothings, and it was voted down by a majority of five, fifteen Democrats voting for it, and twenty Know Nothings voting against it.

The amendment offered by Mr. Martin reads as follows: "That no religious test shall ever be required as a qualification to any office or public trust under the United States."

Now, Mr. Chairman, having treated somewhat of the organization of Know Nothingism, and having remarked briefly on some of its first fruits, and having called the attention of the committee to so much of the oaths and obligations of the order as seem to be in deadly conflict with the Federal Constitution, I will proceed, with the indulgence of the committee, to consider the legislation intended by the organization if it succeeds in obtaining a majority in Congress. First, they propose an amendment of the naturalization laws, by extending the time of residence in the country of all foreigners from five years (as agreed upon by the administration of President Washington) to twenty-one years, as contended for by the Federal party under the lead of the elder Adams and Rufus King, and others of the old Federal school of politicians. And secondly, they demand the passage of stringent laws by Congress, preventing the emigration of what they call paupers (poor persons) and criminals into this country. To both of these propositions I stand opposed; and shall proceed briefly to give the reasons of my opposition.

In the first place, I hold that the Know Nothing organization is but a faction—not entitled to be considered a party in the country; and that, even if what legislation they propose was feasible, the first duty of the statesman is, to put down the faction, and then proceed to consider whether any additional legislation is necessary for the public good. But this is not my principal objection to an alteration of the naturalization laws. My objections are founded in the belief that there can be no amendment to the naturalization laws which will accomplish as much good to the country as the laws as they now stand, if properly administered. I will read the section of the law proposed to be amended. It is the third section, and was passed January 29, 1795, and approved by President Washington:

"That the court admitting such alien shall be satisfied that he has resided within the United States *five years at least*, and within the State or Territory where such court is at the time held one year at least; and it shall further appear to their satisfaction, that during that time he has behaved as a man of *good moral character, attached to the principles of the Constitution*, and *well-disposed towards the good order and happiness of the same: Provided, That his oath* shall in no case be taken to *prove his residence.*"

Now, Mr. Chairman, the issue between intense Americanism and myself on this subject is, that the words "five years" shall be stricken out, and the words, "twenty-one years" inserted; or, in other language, that the views of Washington and his constitutional advisers shall be surrendered, and the opinions of the elder Adams and Rufus King shall be substituted. It is proper,

sir, before we repeal a law, that we should understand the law, and, above all, the principle of it. It will not do to repeal a law, merely because it is assumed that the law is not properly executed, and enact one still more stringent, in hopes that it will be executed. To admit that there is not virtue and intelligence enough in the country to execute the laws, legally and constitutionally enacted, puts an end to all legislation; for we have no reason to assume that, if the officers and citizens will not enforce one, they will enforce another law, and it is equally idle to suppose that a liberty-loving people (and it is the people at last who execute all our laws) would execute a more stringent one on the same subject; but it is the principles of the law as it now stands that I propose to inquire into, and they are—*morality, intelligence, devotion, and loyalty.* The residence of five years, provided for in the act, merely places the emigrant in the condition of a *candidate* for citizenship. He must, after his residence of five years, *satisfy* (not *prove by corrupt witness*) the court, first, of his five years' residence; second, of his morality; third, of his attachment to the Constitution; and fourthly, of his devotion or good disposition to the same. I repeat the words, *satisfy the court*, not by witness, as before stated, but in any way the court may direct; and unless he does *satisfy the court* in regard to his morality, intelligence, and loyalty, he cannot and ought not to become a citizen of this great Republic of freemen, even although he might have lived in the country twice twenty-one years. The other legislation contemplated by this new order is the passage of a stringent law by Congress, prohibiting the immigration into this country of paupers and convicts.

Now, Mr. Chairman, while I am opposed to the passage of *a stringent law by Congress* upon this subject, it does not follow that I am opposed to all proper legislation in relation to vagabonds, paupers, and convicts, even to interdicting their coming into this country under any circumstances. My opposition to Know Nothingism in this particular is, opposition to the manner rather than to the matter of the proposed legislation.

Mr. Chairman, I have searched the Constitution diligently, and have not been able to find any authority for the interference of Congress with this subject. As to who shall become an inhabitant of the States of this Union is a question for the individual States to decide, each for itself. Congress possesses no power to interfere with the internal or police arrangements of the several States. The Supreme Court of the United States, in the case of the city of New York *vs.* Miln, (11 Peters's Reports, page 129,) decided the question against Congress, and in favor of the States. In the case cited the Supreme Court says:

"But we do not place our opinion on this ground, (*i. e.* of a collision between State and national legislation)—we choose rather to plant ourselves on what we consider impregnable positions. They are these: that a State has the same undeniable and unlimited jurisdiction over all persons and things within its territorial limits as any foreign nation, when that jurisdiction is not surrendered or restrained by the Constitution of the United States. That by virtue of this, it is not only the right, but the bounden and solemn duty of a State to advance the safety, happiness, and prosperity of its people, and to provide for its general welfare by any and every act of legislation which it may deem to be conducive to these ends, when the power of the particular subject or the manner of its exercise is not surrendered or restrained in the manner just stated. That all those powers which relate to merely municipal legislation, or what may perhaps more properly be called internal police, are not those surrendered or restrained; and that, consequently, in relation to these, the *authority of a State is complete, unqualified, and exclusive.*"

But even if this question had not been decided by the highest judicial authority in the country, I would not hesitate to deny to Congress, upon the principle of State sovereignty, any authority over the question of who should, or who should not, become inhabitants of any one of the several States of this Confederacy. I cannot see any difference in the power of Congress to declare what shall not be, than to declare what shall be. If Congress has the authority to declare who shall not settle in a State, has it not the power to declare who shall, and, by the exercise of this dangerous and extraordinary power, destroy the last attribute of State sovereignty?

Mr. COX (interrupting) said: If it were not unconstitutional for Congress to pass a law to prevent the bringing into the country of criminals and paupers, would my colleague vote for such a law?

Mr. JEWETT said, in reply, that he had then before him the laws of the various States where this evil was supposed to exist, on the subject referred to by his colleague, and that the State laws seemed to be stringent enough.

Now, Mr. Chairman, having shown from undoubted authority that Congress has no power to legislate on the subject of criminals, and that the power over the subject of emigration (except to establish a uniform rule of naturalization) belongs to the States, I will read for the consideration of the committee and the country, portions of the legislative enactments bearing directly on the subject under discussion, in those States where there is most emigration:

"SEC. 1. No captain or master of any vessel, or any other person or persons, shall knowingly or willingly import, bring, or send, or cause or procure to be imported, brought, or sent, or be aiding or assisting therein, into this State, by land or water, *any felon, convict*, or person under sentence of death or transportation, or any other legal disability incurred by a criminal prosecution, except for treason, or who shall be delivered or sent to him from any prison or place of confinement, in any place without the State.

"SEC. 2. Every person who shall offend against any of the provisions of the preceding section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail for a term not less less than three months, and shall forfeit and pay, moreover, the sum of one thousand dollars for each of such convicts so imported, brought, or sent, into this State, one half of which penalty shall go to him or her who shall sue or prosecute for the same, and the other half to the county in which such prosecution shall be had."—*Law of California in relation to Convicts, &c., &c., passed April* 11, 1850.

I will not stop, Mr. Chairman, to read other provisions of the laws of California on the subject of paupers; they are well guarded and sufficiently stringent to secure the end desired. Nor will I take up the time of the committee in reading from the passenger and emigration laws of the States of Massachusetts, New York, Pennsylvania, and other States interested in the subject, which I have before me, and which I promised to read, but will content myself by stating,

that I have examined carefully the laws of the States last mentioned in regard to emigration, &c., and find them carefully worded, and containing ample provisions to secure the country against the influx of paupers and criminals.

Mr. Chairman, there is another question which is made by the Know Nothing party to cut a very conspicuous figure in the elections, which I desire briefly to notice. It is the Catholic question—a question of great interest to me, not only because many of my immediate constituents are Catholics—yes, sir, Roman Catholics—but because the State in which I was born and raised was settled by Catholics.

Now, Mr. Chairman, while I disclaim any intention of entering upon a defense of the Catholic religion, I would be reckless of my duty to my constituents, Catholic and Protestant, were I to sit quietly by and hear their patriotism assailed, without raising my voice, however feeble it may be, in their defense. I repeat, sir, that I am not charged with the defense of the religion of any portion of my constituents—that defense is intrusted to abler hands than mine; and I am proud to know that, in so far as the charge of anti-republicanism has been made against the Catholic church, in the United States, it has been ably and successfully defended.

But, sir, when the whole Catholic population (my constituents included) are charged with a want of true patriotism and valor—when charged on this floor with disloyalty to the State, and a want of real devotion to the Union and the Constitution, then, sir, it becomes my duty as a Representative in the American Congress, not only to stand up and speak in their defense, but, with all the power of my good right arm, hurl back upon its authors the unjust imputation made, of a want of devotion to country by my Catholic constituents. Sir, a more hospitable and generous people cannot be found on the broad earth, than are the Catholics of my State and district. That they love their church, the religion of their fathers, and their God, is most true, and I honor them for it; and next to these, the Constitution and Union of these States. And from a long residence and intimate acquaintance with them, I am proud to say, here, in the presence of the Representatives of the American people, that their devotion to the former, in no wise conflicts with their fidelity to the latter. And he who doubts, let him but read the history of the Carroll family of Maryland, and particularly the character of, and services rendered his country by, the Rev. John Carroll, the first Catholic Archbishop of the United States; when, if he is an impartial man, he will doubt no longer.

Mr. COX. Would my colleague vote for a man who believed in the temporal supremacy of a foreign potentate?

Mr. JEWETT. I will answer my colleague; but I must first state that I know of none such in my State or district. I will, however, answer my colleague in the language of another. History informs me that, on a celebrated occasion, King James I. of England, I think it was, summoned the twelve judges of the King's bench before him, and directed his attorney to propound to these judges certain questions touching his (the King's) prerogative. To these questions, eleven of the judges responded in favor of the right claimed by the sovereign. The Lord Chief Justice Coke made no answer, of which he was instantly reminded by the Attorney General; when Sir Edward Coke replied:

"When the case happens, I shall do that which will be fit for a judge to do."

This is my answer to your question.

Mr. COX. I have no doubt but that you would decide just as Lord Coke did. You are very capable of doing that. Lord Coke was a good Protestant, and he would have decided against the Catholics.

Mr. JEWETT. Mr. Chairman, the party whose principles and policy I have just been considering have presented to the country Mr. Fillmore, of New York, as their candidate for the Presidency, and claim for him the confidence and support of the southern people, on the ground that he is sound and reliable on the slavery question; and as an evidence of his soundness, they point us to the fugitive slave law and Mr. Fillmore's approval of it, as *evidence sufficient* on that subject. I regret, Mr. Chairman, that I cannot see in this single act of Mr. Fillmore such evidence of nationality on this vexed question as I should like. It will be remembered that Mr. Fillmore was elected to the Chief Magistracy by the Whig party, and that one of the great and cardinal principles of that party was undying hostility to the veto power, or, as they termed it, the "one-man power." It was a mooted question with that party for a long time whether the veto power should not be abridged; but finally, it was agreed that it should not be exercised by the President, except in cases of hasty legislation by Congress, or the passage of a law by that body clearly unconstitutional. It was under a banner on whose folds were emblazoned these principles that Mr. Fillmore and the Whig party marched into power in 1852; and during the time Mr. Fillmore presided over the Senate the fugitive slave law was brought forward and discussed, and before it passed the Senate, Mr. Fillmore, by the death of General Taylor, became President. The bill passed both Houses of Congress; and all that was required to give it force and effect was the signature of the President. The bill being presented to him, and after taking the opinion of the Attorney General, (a southern man,) he signed the bill, and it became a law of the land. But the great question for the consideration of the South is: Did he approve the bill because it was a right the South had, under the Constitution, to *demand* at his hands? or did he approve it to be *consistent* with his party and its principles, and not be the *first to tear from its platform* one of its principal planks? These are questions proper for the consideration of the South, and I submit them for their consideration without further comment, nothing doubting but that his *congressional record* will be fairly considered, and their action governed accordingly.

Mr. Chairman, the Democratic party have presented to the American people for the Presidency James Buchanan, of Pennsylvania—a statesman

of thirty-five years' standing—a man who enjoyed the confidence of Jackson, of Polk, and Pierce. No eulogy of him is required of me. Suffice it to say, that his name and fame are engraven upon the hearts of the vicinage—they live in the memory of men.

MEMORANDUM.

I have been requested by friends of both political parties to furnish extracts of the territorial laws enacted within a few years past, so far as they relate to the right of suffrage, (or of voting,) and I take this method of complying with these numerous requests, from which it will be seen that the provisions of the several acts in regard to suffrage are substantially the same.

Oregon Territory.

"Every white male inhabitant, above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years, and those above that age who shall have declared, on oath, their intention to become such, and shall have taken an oath to support the Constitution of the United States, and the provisions of this act."

New Mexico.

"Every free white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, including those recognized as citizens by the treaty with the Republic of Mexico, concluded February 2, 1848."

Utah Territory.

"Every free white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, including those recognized by the treaty with the Republic of Mexico, concluded February 2, 1848."

Minnesota Territory.

"Every free white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States and those who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act."

Nebraska and Kansas Territories.

"Every white male inhabitant above the age of twenty-one years, who shall be an actual resident of said Territory, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act."

Washington Territory.

"Every white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters, and of holding office at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage, and of holding office, shall be exercised only by citizens of the United States above the age of twenty-one years, and those above that age who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act."

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Deacidified using the Bookkeeper process.
Neutralizing agent: Magnesium Oxide
Treatment Date: May 2010

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